

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – P.R.& R.D. Department – Certain irregularities committed by Sri S.Manohar Rao, Assistant Panchayat Secretary, G.P. Lattupally, Bijanapally Mandal and Village Revenue Officer, Lattupally Village of Bijanapally Mandal, Mahabubnagar District – Dismissed from service – Appeal filed – Appeal dismissed – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Rt.No. 1947

Dated:27-12-2008.

Read the following:-

1. Proceedings No.B1/885/2006-A6-5, dt. 23-6-2008 of the District Collector (Pt.Wing), Mahabubnagar.
2. Appeal from Sri S.Manohar Rao, Asst. Panchayat Secretary, G.P. Lattupally, Bijanapally Mandal and V.R.O., Lattupally Villge of Bijanapally Mandal, Mahabubnagar District, dt.23-9-2008.
3. Govt. Memo. No.22527/Vig.III/2008-3, dt.. 17-11-2008.
4. From the District Collector (Pt.Wing), Mahabubnagar, Lr.No.B1/ 835/ 2006-A6, dt. 18-11-2008.
5. Letter from the District Collector (Pt.Wing), Mahabubnagar, Lr.No.B1/835/ 2006-A6, dt. 27-11-2008.

ORDER:

In the reference 1st read above, the District Collector (Pt.Wing), Mahabubnagar has imposed the penalty of dismissal from service besides recovery of amount of Rs.2,43,969/- against Sri S.Manohar Rao, Assistant Panchayat Secretary, G.P. Lattupally, Bijanapally Mandal and Village Revenue Officer, Lattupally Village of Bijanapally Mandal, Mahabubnagar District. Aggrieved by the said orders, the individual has filed appeal before the Hon'ble Minister for Panchayat Raj, in the reference 2nd read above. In his appeal he has submitted that the impugned orders passed by the Dist. Collector, Mahabubnagar imposing a major penalty of dismissal from service on him besides recovery of amount are highly illegal, arbitrary and

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contrary to the CCA Rules as the 1st respondent failed to follow the procedure. Further, the show-cause notice was issued only for recovery of amount, but not for the dismissal. Hence, the impugned dismissal orders passed by the Dist. Collector, Mahabubnagar is without giving any opportunity and thereby the respondents violated the principles of natural justice. He has therefore prayed to exonerate him from the impugned order/proceedings No.B1/885/21006-A5-5, dt. 23-6-2008 issued by the District Collector (Pt.Wing), Mahabubnagar by setting aside the same and to pass such other and further orders as this Hon'ble Authority may deem fit and proper in the interest of justice.

2. The District Collector (Pt.Wing), Mahabubnagar has submitted her reports along with the connected records in the reference 4th and 5th read above.

3. The brief facts of the case are that;

a) On the irregularities committed by Sri S. Manohar Rao, Asst. Panchayat Secretary and others, the District Collector, Mahabubnagar has appointed the District Cooperative Officer, Mahabubnagar as I.O. for conducting inquiry into the irregularities committed by the individual and others in implementation of ISL Programme in GPs of Bijinapally Mandal, Mahabubnagar District.

b) The D.C.O., Mahabubnagar and Inquiry Officer has reported that (992.47) quintals of rice has been released to G.P. Lattupally, Bijinepally Mandal and distributed only (78.78) quintals of rice to the beneficiaries and misappropriated the remaining rice of (913.47) quintals. The D.C.O. has fixed equal responsibility for misappropriation of the said rice against the MPDO., Bijinapally, FP Shop Dealers, and Panchayat Secretary. Based on the said report, Charge Memo was issued framing the articles of charges against Sri S. Manohar Rao, Pt. Secretary calling for his explanation-vide Charge Memo dt. 24-6-2006. Sri S. Manohar Rao, Pt. Secy., has submitted his explanation dt. Nil. But his explanation was not convincing nature; hence a show-cause notice was issued to the individual calling for his explanation on 1-9-2006. The individual has submitted his explanation to the show-cause notice, but the same is

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not convincing nature. On his appeal, the District Collector has conducted a personal hearing on 3-10-2006 and the individual has stated that the MPDO., Bijinapally has forcibly obtained his signature on the R.Os. but it is not acceptable.

c) The Dy. C.E.O., Z.P., Mahabubnagar was appointed as Inquiry Officer to conduct inquiry into the charges and the MPDO, Bijinapally was appointed as Presenting Officer-vide proceedings dt. 5-2-2007. In his report dt. 7-12-2007 has reported that the District Collector has fixed the target for Lattupally village of Bijinapally Mandal, a target of (275) beneficiaries for construction of ISLs and the Accused Employee has sanctioned (304) ISLs to the beneficiaries and list furnished to the MPDO., Bijinapally. The MPDO has issued RORs for (992.47) quintals of rice to GP Lattupally. The accused employee has submitted Xerox acquittances as he has disbursed (990) quintals of rice to the (396) beneficiaries @ 2.25 quintals for each beneficiary. The acquittances are not clear and his explanation is also not convincing, as he has submitted two times different defenses on the framed charges. The Dy. CEO., ZP., Mahabubnagar further opined that the Panchayat Secretary, FP shop dealer and Sarpanch were distributed 78.75 quintals of rice only to the (39) beneficiaries out of (992.47) quintals and the remaining (913.72) quintals were not distributed to the beneficiaries. The MPDO., Panchayat Secretary and FP shop dealer have been made jointly and severally made liable for the said lapses.

d) Therefore, a show-cause notice dt. 18-1-2008 has been issued to the individual to show-cause as to why major punishment should not be imposed against him for committing grave irregularities in distribution of ISLs rice. The individual has submitted his explanation on 3-3-2008 denying all the charges are not correct. As the individual has sanctioned ISLs more than the target fixed and issued the indent to the MPDO., Bijinapally, now he is denying the charges, which is not correct, hence his explanation is not convincing.

e) Further, the District Collector, Mahabubnagar has reported that the matter has been examined with reference to the charges framed, explanation submitted by the C. O., and the available material on

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record and decided to impose a major penalty of dismissal from service besides recovery of an amount of Rs.2,43,659/- as the C.O. caused loss to the Government. Therefore, the C.O. has been dismissed from service, besides recovery of Rs.2,43,659/- being the loss caused to the Government-vide Procdgs.,dt. 23-6-2008.

4. In his appeal the appellant contended inter alia that the orders passed by the District Collector, Mahabubnagar are highly illegal, arbitrary and contrary to the CCA Rules failed to follow the procedure without giving any opportunity to him, thereby violated the principles of natural justice. In the similar circumstances, the persons who are similarly situated and faced enquiry along with him approached the Government by filing representations and the Govt. have granted interim stay in respect of S/Sri Pratap Reddy, V. Muraleedhar Rao, Panchayat Secretaries of Bijinapally Mandal, Mahabubnagar District, hence similarly placed person seeking similar relief.

5. He has further submitted that the enquiry was held against him along with 11 others on the allegations of committing certain irregularities in distribution of rice pertains to ISL scheme in Bijanapally Mandal, Mahabubnagar District. According to the respondents, for implementation of the above said programme 992.47 quintals of rice has been released to G.P. Lattupally and distribution is made only to an extent of 78.78 quintals of rice to the beneficiaries. Hence there is a misappropriation in the remaining rice of 913.47 quintals. A charge memo. dt. 24-6-2006 was issued to him alleging misappropriation against him. He has submitted his explanation denying the same in toto. After conducting the enquiry, the D.C.O., Mahabubnagar fixed the responsibility of misappropriation against the MPDO., Bijanapally, FP shop dealer and Panchayat Secretary. Subsequently, a show cause notice dt. 18-1-2008 was issued for recovery of amount of Rs.2,43,659/-. He has submitted his explanation denying the same in toto.

6. He has also \ submitted that the impugned orders passed by the Dist. Collector, Mahabubnagar imposing a major penalty of dismissal from service on him besides recovery of amount are highly illegal, arbitrary and contrary to the CCA Rules as the 1st respondent failed to

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follow the procedure. Further, the show-cause notice was issued only for recovery of amount, but not for the dismissal. Hence, the impugned dismissal orders passed by the District Collector, Mahabubnagar is without giving any opportunity and thereby the respondents violated the principles of natural justice. He has therefore prayed to exonerate him from the impugned order/proceedings No.B1/885/21006-A5-5, dt. 23-6-2008 issued by the District Collector (Pt.Wing), Mahabubnagar by setting aside the same and to pass such other and further orders as this Hon'ble Authority may deem fit and proper in the interest of justice.

7. Sri S.Manohar Rao, Assistant Panchayat Secretary, appeared before the Hon'ble Minister for Panchayat Raj for hearing on 29-11-2008. While reiterating the contents of the appeal, he pleaded that he is innocent and whatever the rice he received it was distributed among the beneficiaries. He has further contended that he has not received the entire quantity of rice from the stock point.

8. On perusal of the records verified at the stock point, it reveals that the appellant has signed the release orders and got 1008.47 quintals of rice released and distributed 78.75 quintals of rice, though he acknowledged the receipt of 1008.47 Qtls. of rice, he could not account for 929.72 quintals for construction of 15.00 ISLs., a programme taken up by the Government for the welfare of people and to ensure good sanitation and hygienic climate in the village. The appellant as a responsible person holding the post of Panchayat Secretary should have ensured the implementation of the said programme successfully and carry out his duties and responsibilities diligently. Whereas he failed in discharge of his duties and also indulged in an act of swindling the rice meant to be distributed to the beneficiaries. The contention of the petitioner that he has not been provided reasonable opportunity by the District Collector before passing the impugned order is also far beyond truth, as the records disclose that the petitioner has been provided ample opportunity by issuing show cause notices. The appellant failed to prove that he is not responsible for misappropriation of rice.

9. Government, after careful examination of the matter consider that there is no illegality, irregularity or impropriety in the orders

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passed by the District Collector, Mahabubnagar. Accordingly, the appeal is dismissed. The District Collector, Mahabubnagar is directed to initiate action to file a criminal case against the appellant and recover the amount equivalent to 929.72 quintals of rice from the appellant.

10. The District Collector, Mahabubnagar is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To
The District Collector (Pt.Wing), Mahabubnagar.
The Individual through the Distinct Collector (Pt.Wing),
Mahabubnagar.

Copy to:
The Commissioner of Panchayat Raj & Rural Employment,
A.P., Hyderabad.
The District Panchayat Officer, Mahabubnagar.

//FORWARDED::BY ORDER//

SECTION OFFICER